



**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

**PLANNING COMMISSION**

*Promoting the wise use of land  
Helping build great communities*

<b>MEETING DATE</b> April 28, 2016	<b>CONTACT/PHONE</b> Jo Manson 781-4660/jmanson@co.slo.ca.us	<b>APPLICANT</b> MDC, LLC	<b>FILE NO.</b> SUB2008-00059
<b>SUBJECT</b> A request for a <b>first time extension</b> by MDC, LLC for Vesting Tentative Tract Map 3010/Development Plan/Coastal Development Permit to subdivide an existing approximately 12,152 square foot parcel into eight residential air space condominium units ranging from 635 square feet to 1,550 square feet each available for sale, within a single "u" shaped building constructed around a center courtyard. The project will result in the demolition of the existing structures on site and grading of the site resulting in disturbance of the entire 12,000 square foot parcel. The project includes off-site street improvements such as widening and installing curb, gutter, and sidewalk along San Miguel Street. The proposed project is within the Residential Multi-Family land use category and is located at 235 San Miguel St. in the community of Avila Beach. The site is in the San Luis Bay (coastal) planning area.			
<b>RECOMMENDED ACTION</b> Approve the <b>first time extension request</b> for Vesting Tentative Tract Map 3010/Development Plan/Coastal Development Permit.			
<b>ENVIRONMENTAL DETERMINATION</b> A Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) was issued on December 17, 2009 for this project. The Negative Declaration was approved by the Planning Commission on January 28, 2010.			
<b>LAND USE CATEGORY</b> Residential Multi-Family	<b>COMBINING DESIGNATION</b> Local Coastal Program and Coastal Appealable Zone	<b>ASSESSOR PARCEL NUMBER</b> 076-196-003	<b>SUPERVISOR DISTRICT(S)</b> 3
<b>PLANNING AREA STANDARDS:</b> Avila Beach Urban Area Standards – View Protection and Storm Drainage; Avila Beach Specific Plan <i>Does the project conform to the Planning Area Standards – Yes</i>			
<b>LAND USE ORDINANCE STANDARDS:</b> Sec. 23.04.028 – Residential Multi-Family Subdivision Design, Minimum Parcel Size			
<b>EXISTING USES:</b> Vacant			
<b>SURROUNDING LAND USE CATEGORIES AND USES:</b> North: Residential Multi-Family / residential      East: Residential Multi-Family / residential South: Residential Multi-Family / residential      West: Residential Multi-Family / vacant			
<b>OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:</b> The project was originally referred to Avila Valley Advisory Council, Public Works, Environmental Health, County Parks, Cal Fire, Avila Community Services District, Agricultural Commissioner's office, Avila Fire, San Miguelito Water, Cal Trans, Regional Water Quality Control Board, Air Pollution Control District, San Luis Obispo County Bicycle Advisory, County Assessor, and the California Coastal Commission			
<b>TOPOGRAPHY:</b> Site is nearly level		<b>VEGETATION:</b> Ornamental vegetation	
<b>PROPOSED SERVICES:</b> Water supply: Community System Sewage Disposal: Community sewage disposal system Fire Protection: Cal Fire		<b>ACCEPTANCE DATE:</b> N/A	
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING &amp; BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242</small>			

## TIME EXTENSION REQUEST/PROJECT DESCRIPTION

Vesting Tentative Tract Map 3010/Development Plan/Coastal Development Permit were approved by the Planning Commission on January 28, 2010 and were set to expire on March 16, 2016. On March 15, 2016, the applicant requested the **first one year time extension and paid the extension application fee**. If a time extension request is submitted on or before the expiration date, it remains valid until acted on by the decision making body. (A time extension for a tentative map also extends the life of the related Development Plan if it is required as a part of the subdivision process).

The project is a request by IVDC, LLC to subdivide an existing approximately 12,152 square foot parcel into eight residential air space condominium units ranging from 635 square feet to 1,550 square feet each available for sale, within a single “u” shaped building constructed around a center courtyard. The project will result in the demolition of the existing structures on site and grading of the site resulting in disturbance of the entire 12,000 square foot parcel. The project includes off-site street improvements such as widening and installing curb, gutter, and sidewalk along San Miguel Street. The proposed project is within the Residential Multi-Family land use category and is located at 235 San Miguel St. in the community of Avila Beach. The site is in the San Luis Bay (coastal) planning area.

This vesting tentative map is not yet ready to record. Additional time is necessary to comply with the conditions of approval. Time extensions for tentative maps are discretionary; however, they have historically been processed as an administrative action and placed on the consent agenda for notification purposes for both the Planning Commission and the public.

## DISCUSSION

### The Subdivision Map Act & Real Property Division Ordinance

The Subdivision Map Act provides that a conditionally approved vesting tentative map shall expire twenty-four (24) months after its conditional approval and coastal appeal period. The original expiration date was March 16, 2012. With recent amendments, the Subdivision Map Act now allows up to six (6) one year discretionary time extensions (without legislative time extensions). The applicant must request each of the *discretionary* time extensions. This request is the applicant's **first discretionary one year time extension request**.

The Subdivision Map Act was amended in 2011 and 2013 to provide tentative maps with “automatic, state-mandated” extensions that are above and beyond the six (6) one year time extensions as follows:

Assembly Bill 208 (California Government Code Section 66452.23) – If a tentative map was approved before and not expired on July 15, 2011 and will expire between July 15, 2011 and January 1, 2014 – extends the tentative map twenty four (24) months. Vesting Tentative Tract Map 3010/Development Plan/Coastal Development Permit were extended to March 16, 2014.

Assembly Bill 116 (California Government Code Section 66452.24(a)) – If a tentative map was approved after January 1, 2000 and not expired on July 11, 2013 it extends the tentative map twenty four (24) months. Vesting Tentative Tract Map 3010/Development Plan/Coastal Development Permit were extended to March 16, 2016.

### **Staff Determination and Recommendation**

This time extension request has been reviewed by staff. It complies with The Subdivision Map Act and Section 21.06.010 of the Real Property Division Ordinance, and remains in compliance with the General Plan and County ordinances.

After review of the vesting tentative map, staff recommends to the Planning Commission that the **first one year time extension** be granted to March 16, 2017 subject to the conditions of approval set by the Planning Commission on January 28, 2010 in accordance with Resolution No. 2010-003.

### **ATTACHMENTS**

Attachment 1 - Project Graphics

Attachment 2 – Planning Commission Resolution No. 2010-003

Staff report prepared by Jo Manson and reviewed by Terry Wahler, Senior Planner